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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,973	04/20/2005	Jean-Luc Gentil	A71.12-0010	9962
27367 7590 04/28/2009 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402				
EXAMINER				
VANTERPOOL, LESTER L				
ART UNIT		PAPER NUMBER		
3782				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/509,973

**Applicant(s)**

GENTIL, JEAN-LUC

**Examiner**

LESTER L. VANTERPOOL

**Art Unit**

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on August 15, 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15 & 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneidau (U.S. Patent Number 1605473).

Schneidau (U.S. Patent Number 1605473) in view of Lindy (U.S. Patent Number 5570823).

Schneidau discloses the harness (17); and the carrying part (See Figure 3) forming the seat for a baby (See Figures 1 & 2),

wherein the carrying part (1) comprises the part (3) forming the back of the seat (See Figures 2 & 3) comprising: the cut-out (i.e. See Center Portion of (3) in Figure 3) running along the longitudinal axis of the part forming the back of the seat (See Figure 3), on at least the majority of the length of the part (3) forming the back of the seat (See Figures 2 & 3), the cut-out (i.e. See Center Portion of (3) in Figure 3) having two edges (i.e. See Near (3 & 7) in Figure 3) corresponding to edges of two lateral elements of the part forming the back (3) of the seat (10) (See Figures 2 & 3),

means (2) for adjusting the opening between the edges (i.e. See Near (3 & 7) in Figure 3) of the cut-out (i.e. See Center Portion of (3) in Figure 3), and at least one strip

of fabric (5) connecting the edges (i.e. See Near (3 & 7) in Figure 3) of the cut-out (i.e. See Center Portion of (3) in Figure 3), made of a different material (i.e. Elastic) (See Line 59) from that of the lateral elements (3A) and which allows air to circulate, so as to permit ventilation and prevent the edges of the cut out (i.e. See Center Portion of (3) in Figure 3) from moving beyond a maximum width.

Regarding claim 3, Schneidau discloses the means of adjusting comprise at least one cord (2) running between the edges (i.e. See Near (3 & 7) in Figure 3) of the cut out (i.e. See Center Portion of (3) in Figure 3).

Regarding claim 4, Schneidau discloses the cord(s) (2) pass through a number of guide elements (i.e. See Holes in Figure 3) provided for this purpose on the edges (i.e. See Near (3 & 7) in Figure 3) of the cut out (i.e. See Center Portion of (3) in Figure 3) or close to it, forming a lacing system (See Figure 3).

Regarding claim 6, Schneidau discloses the additional limiting means (7) which prevent the distance between edges of the cut-out from exceeding a maximum distance.

Regarding claim 7, Schneidau discloses the limiting means comprise at least the cord (2) running between the edges (i.e. See Near (3 & 7) in Figure 3) of the cut out (i.e. See Center Portion of (3) in Figure 3) and whose ends are fixed (See Figure 3).

Regarding claim 9, Schneidau discloses the at least two strips of fabric running laterally (See Figure 3).

Regarding claim 10, Schneidau discloses the at least one strip of fabric (5) made of the elastic fabric (See Line 59).

Regarding claim 11, Schneidau discloses the harness (17) and the carrying part (1) can be separated (i.e. See (13 & 14) in Figure 3).

Regarding claim 12, Schneidau discloses the harness (17) having two straps (See Front & Rear (17) in Figure 2), whose front sections (17), against which the seat rests (See Figure 2), each comprising the reinforcement equipped with attachment means (i.e. Hooks), allowing them to be attached to one another.

Regarding claim 13, Schneidau discloses the reinforcement carrying attachment means (13 & 14) of the carrying part (See Figure 3).

Regarding claim 14, Schneidau discloses the harness (17); and the carrying part (1) forming the seat (10) for a baby (See Figures 1 & 2), wherein the carrying part (1) comprises the part forming the back (3) of the seat (See Figures 2 & 3), comprising:

the cut-out (i.e. See Center Portion of (3) in Figure 3) running along longitudinal axis of the part forming the back of the seat (See Figures 2 & 3), on at least a majority of the length of the part forming the back of the seat (See Figure 3), the cut-out (i.e. See Center Portion of (3) in Figure 3) having two edges (i.e. See Near (3 & 7) in Figure 3) corresponding to edges of two lateral elements of the part forming the back of the seat (See Figure 3),

means (2) for adjusting the opening between the edges of the cut-out (i.e. See Center Portion of (3) in Figure 3), and at least one strip of fabric (5) connecting the edges of the cut-out (i.e. See Center Portion of (3) in Figure 3), made of a different material (i.e. Elastic) (See Line 59) from that of the lateral elements and which allows air to circulate, so as to permit ventilation and prevent the edges of the cut out (i.e. See Center Portion of (3) in Figure 3) from moving beyond a maximum width.

Regarding claim 15, Schneidau discloses the harness (17); and the carrying part (1) forming the seat for a baby (See Figures 1 & 2), wherein the carrying part (1) comprises the part forming the back of the seat (See Figures 2 & 3), comprising:

the cut-out (i.e. See Center Portion of (3) in Figure 3) running along the longitudinal axis of the part forming the back of the seat (See Figures 2 & 3), on the least the majority of the length of the part forming the back of the seat, the cut-out (i.e. See Center Portion of (3) in Figure 3) having two edges (i.e. See Near (3 & 7) in Figure 3) corresponding to edges of two lateral elements of the part forming the back (3) of the seat,

means (2) for adjusting the opening between the edges of the cut-out (i.e. See Center Portion of (3) in Figure 3), comprising at least one cord (See Figure 3) running between the edges of the cut out (i.e. See Center Portion of (3) in Figure 3),

at least one strip of fabric (5) connecting the edges of the cut-out (i.e. See Center Portion of (3) in Figure 3), made of the different material (i.e. Elastic) (See Line 59) form that of the lateral elements and which allows air to circulate, so as to permit ventilation and prevent the edges of the cut out (i.e. See Center Portion of (3) in Figure 3) from moving beyond a maximum width.

Regarding claim 16, Schneidau discloses the harness (17); and the carrying part (1) forming the seat for a baby (See Figure 1), wherein the carrying part (1) comprises the part forming the back of the seat (See Figures 2 & 3), comprising:

the cut-out (i.e. See Center Portion of (3) in Figure 3) running along a longitudinal axis of the part forming the back of the seat (See Figures 2 & 3), on the least a majority of the length of the part forming the back (3) of the seat (See Figures 2 & 3), the cut-out (i.e. See Center Portion of (3) in Figure 3) having two edges (i.e. See Near (3 & 7) in Figure 3) corresponding to edges of two lateral elements of the part forming the back of the seat (See Figures 2 & 3),

means (2) for adjusting the opening between the edges of the cut-out (i.e. See Center Portion of (3) in Figure 3), comprising at least one cord (See Figure 3) running between the edges of the cut out (i.e. See Center Portion of (3) in Figure 3), and

at least one strip of fabric (5) connecting the edges of the cut-out (i.e. See Center Portion of (3) in Figure 3), made of a different material (i.e. Elastic) (See Line 59) from that of the lateral elements and which allows air to circulate, so as to permit ventilation and prevent the edges of the cut out (i.e. See Center Portion of (3) in Figure 3) from moving beyond a maximum width, and wherein the harness (17) and the carrying part (1) can be separated using reversible attachment means (See Figure 3).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneidau (U.S. Patent Number 1605473) in view of Lindy (U.S. Patent Number 5570823).

Schneidau does not disclose the means of adjusting comprise means of attachment belonging to the following group: self-adhesive strips, press studs, zips, or buttons.

Lindy teaches the means of adjusting comprise means of the zip (14) (See Figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the means of adjusting comprise means of zip as taught



by Lindy with the baby carrier of Schneidau in order to enhance easy opening and closing access.

Regarding claim 8, Schneidau does not disclose the at least one strip of fabric has a 3D mesh.

Lindy teaches the at least one strip of fabric (18) has the 3D mesh (See Figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the at least one strip of fabric having the 3D mesh as taught by Lindy with the baby carrier of Schneidau in order to enhance easy opening and closing access.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESTER L. VANTERPOOL whose telephone number is (571)272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L. V./  
Examiner, Art Unit 3782

/Nathan J. Newhouse/  
Supervisory Patent Examiner, Art Unit 3782